

**Notice of Allowability**

Application No.

09/771,906

Examiner

Michael B. Holmes

Applicant(s)

ASSA ET AL.

Art Unit

2121

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 13, 2005.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 01132005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |



## UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450, Alexandria, Virginia 22313-1450 – [WWW.USPTO.GOV](http://www.USPTO.GOV)

### Examiner's Detailed Office Action

1. Applicant's arguments are persuasive, accordingly, claims 1-39 are allowed.

### Drawings Objection

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 1 and figures 2a through 2e, require labeling of all figures incongruent with the written description of the specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### REASONS FOR ALLOWANCE

3. The following is an Examiner's statement for reasons for allowance:
4. The closest prior art *Lyles et al.* (USPN 5,926,459), *Ahmed et al.* (USPN 5,946,346), *Pasternak et al.* (USPN 5,936,949), *Benson* (USPN 5,940,833) and *Kidder et al.* (USPN 5,903,735) does not teach or render obvious applicant's claimed invention. In particular, as

Art Unit: 2121

pointed out below, the prior art lacks certain features and the combination as specified in the respective claims.

5. With regards to claim 1 *Lyles et al.*, *Ahmed et al.*, *Pasternak et al.*, *Benson and Kidder et al.* does not disclose a scheduler and a calendar in a memory for storing a transmission schedule of the queues, the scheduler shaping the transmission schedule by updating the schedule in the calendar in dependence on inputted traffic parameters of each queue, wherein the system includes an amplifier to amplify the traffic-rate related parameters by a factor K prior to input to the scheduler, the scheduler and calendar being adapted to operate using the amplified parameters.

6. With regards to claim 17 *Lyles et al.*, *Ahmed et al.*, *Pasternak et al.*, *Benson and Kidder et al.* does not disclose storing a transmission schedule of the queues in a memory and shaping the transmission schedule by updating the schedule in the calendar in dependence on inputted traffic parameters of each queue, wherein the step of shaping includes the step of amplifying the traffic-rate related parameters by a factor K, the memory and the shaping step being adapted to operate using the amplified parameters.

7. With regards to claim 31 *Lyles et al.*, *Ahmed et al.*, *Pasternak et al.*, *Benson and Kidder et al.* does not disclose causing the processor to store a transmission schedule of the queues in a memory, and means for causing the processor to shape the transmission schedule by updating the schedule in the calendar in dependence on inputted traffic parameters of each queue, means for causing the processor to shape the schedule includes means for amplifying in the memory the traffic-rate related parameters by a factor K, the means for causing the processor to shape the schedule being adapted to operate using the amplified parameters.

Art Unit: 2121

8. With regards to claim 32 *Lyles et al.*, *Ahmed et al.*, *Pasternak et al.*, *Benson* and *Kidder et al.* does not disclose storing a transmission schedule of the queues in a memory, and shaping the transmission schedule by updating the schedule in the calendar in dependence on inputted traffic parameters of each queue, wherein the step of shaping includes the step of amplifying the traffic-rate related parameters by a factor K, the memory and the shaping step being adapted to operate using the amplified parameters.

9. With regards to claim 33 *Lyles et al.*, *Ahmed et al.*, *Pasternak et al.*, *Benson* and *Kidder et al.* does not disclose storing a transmission schedule of the queues in a memory, and shaping the transmission schedule by updating the schedule in the calendar in dependence on inputted traffic parameters of each queue, wherein the step of shaping includes the step of amplifying the traffic-rate related parameters by a factor K, the memory and the shaping step being adapted to operate using the amplified parameters.

### Correspondence Information

10. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email [Michael.holmesb@uspto.gov](mailto:Michael.holmesb@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service

Art Unit: 2121

Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor  
of the south side of the Randolph Building.

***Michael B. Holmes***

Patent Examiner

Artificial Intelligence

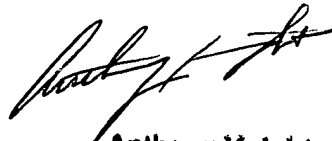
Art Unit 2121

United States Department of Commerce

Patent & Trademark Office

*Saturday, April 09, 2005*

*MBH*

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

**Anthony Knight**

**Supervisory Patent Examiner**

**Group 3600**